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Attorneys for Defendant  
Kaiser Gypsum Company, Inc.

**FILED**  
DISTRICT COURT OF GUAM

DEC - 9 2005 *JP*

MARY L.M. MORAN  
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

CESS NAVARRO OLMO and RONNIE  
PASCUAL FERRERAS,

Plaintiffs,

vs.

A.P. GREEN INDUSTRIES, INC., A.P.  
GREEN SERVICES, INC., A.W.  
CHESTERTON COMPANY, AMCHEM  
PRODUCTS, INC., ARMSTRONG WORLD  
INDUSTRIES, INC., ASBESTOS CLAIMS  
MANAGEMENT CORPORATION,  
BABCOCK & WILCOX COMPANY,  
COMBUSTION ENGINEERING, INC., DOW  
CHEMICAL COMPANY, DRESSER  
INDUSTRIES, INC., FELITALIC, INC.,  
FLINTKOTE COMPANY, FOSTER  
WHEELER CORP., GAF CORPORATION,  
GARLOCK, INC., GEORGIA-PACIFIC  
CORPORATION, HARBISON-WALKER  
REFRACTORIES CO., HONEYWELL  
INTERNATIONAL, INC., JOHN CRANE,  
INC., KAISER GYPSUM COMPANY, INC.,  
METROPOLITAN LIFE INSURANCE  
COMPANY, OWENS CORNING, OWENS-  
ILLINOIS, INC., PITTSBURG CORNING  
CORPORATION, QUIGLEY COMPANY,  
INC., UNITED STATES GYPSUM  
COMPANY, and VIACOM, INC.,

Defendants.

CIVIL CASE NO. CV05-00025

**DEFENDANT KAISER GYPSUM  
COMPANY, INC.'S ANSWER TO  
CROSS-CLAIMS OF GARLOCK, INC.,  
VIACOM, INC., AND FOSTER  
WHEELER CORPORATION AND  
CROSS-CLAIMS AGAINST  
GARLOCK, INC., VIACOM, INC., AND  
FOSTER WHEELER CORPORATION;  
DECLARATION OF SERVICE**

Kaiser Gypsum Company, Inc.'s ("Kaiser") Answer to Cross-Claims of Defendants Garlock, Inc., Viacom, Inc., and Foster Wheeler Corporation and Cross-Claims against Defendants Garlock, Inc., Viacom, Inc., and Foster Wheeler Corporation.

**ANSWER TO CROSS-CLAIMS**

Kaiser answers Defendants Garlock, Inc., Viacom, Inc., and Foster Wheeler Corporation's ("Cross-Claimants") Cross-Claims as follows:

1. As to paragraph 1 of the Cross-Claim: Kaiser admits the averments.
2. As to paragraph 2 of the Cross-Claim: This paragraph is a statement by the Cross-Claimants for which no response is required; to the extent that the statement may be deemed an allegation of fact, Kaiser is without knowledge or information sufficient to form a belief as to the truth of the averments and on that basis denies them.
3. As to paragraph 3 of the Cross-Claim: Kaiser denies the averments as they relate to Kaiser; Kaiser is without knowledge or information sufficient to form a belief as to the truth of the averments as they relate to other Defendants and on that basis denies the averments.
4. As to paragraph 4 of the Cross-Claim: Kaiser denies the averments as they relate to Kaiser; Kaiser is without knowledge or information sufficient to form a belief as to the truth of the averments as they relate to other Defendants and on that basis denies the averments.
5. As to paragraph 5 of the Cross-Claim: Kaiser denies the averments as they relate to Kaiser; Kaiser is without knowledge or information sufficient to form a belief as to the truth of the averments as they relate to other Defendants and on that basis denies the averments.
6. As to paragraph 6 of the Cross-Claim: Kaiser denies the averments as they relate to Kaiser; Kaiser is without knowledge or information sufficient to form a belief as to the truth of the averments as they relate to other Defendants and on that basis denies the averments.

7. As to paragraph 7 of the Cross-Claim: Kaiser denies the averments as they relate to Kaiser; Kaiser is without knowledge or information sufficient to form a belief as to the truth of the averments as they relate to other Defendants and on that basis denies the averments.

8. All averments in the Cross-Claim that are not specifically admitted above are denied.

9. Kaiser incorporates herein its Defenses in Kaiser's answer to the First Amended Complaint.

**WHEREFORE**, Kaiser prays that:

1. Cross-Claimants take nothing by their Cross-Claim;
2. Judgment be awarded in favor of Kaiser and against Cross-Claimants;
3. Kaiser be awarded its costs;
4. The Court grant such other relief as it deems just and proper.

### **CROSS-CLAIMS**

Kaiser Cross-Claims against Defendants Garlock, Inc., Viacom, Inc., and Foster Wheeler Corporation's ("Garlock, Viacom and Wheeler") as follows:

1. Plaintiffs have filed a First Amended Complaint against Kaiser and other defendants, including Garlock, Viacom and Wheeler, alleging eight causes of action. In their First Amended Complaint, Plaintiffs have alleged that they suffered damages due to exposure to asbestos.

2. Kaiser has answered the First Amended Complaint denying any liability for the alleged damages and asserting a number of defenses to Plaintiffs' claims. Kaiser incorporates herein its Answer to the First Amended Complaint, including the Defenses asserted therein.

3. If it is found that Plaintiffs suffered any injuries and damages due to exposure to asbestos, which Kaiser denies, Kaiser is not liable for any such injuries or damages.

4. If it is found that Plaintiffs suffered any injuries and damages due to exposure to asbestos, which Kaiser denies, Garlock, Viacom and Wheeler are liable for the injuries and damages.

5. If Kaiser is held liable for any injuries and damages to Plaintiffs, which liability Kaiser denies, Kaiser is entitled to contribution, subrogation and/or indemnification from Garlock, Viacom and Wheeler due to the liability of Garlock, Viacom and Wheeler for Plaintiffs' injuries and damages.


6. If Kaiser is held liable for any damages to Plaintiffs, which Kaiser denies, Garlock, Viacom and Wheeler are liable to Kaiser for contribution of their pro-rata share of any judgment or settlement in favor of Plaintiffs.

**WHEREFORE**, Kaiser prays that:

1. It be awarded Judgment against Garlock, Viacom and Wheeler for contribution, subrogation and/or indemnification;
2. Kaiser be awarded its costs;
3. The Court grant such other relief as it deems just and proper.

DATED: Hagåtña, Guam, December 9, 2005.

CARLSMITH BALL LLP

  
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J.PATRICK MASON  
Attorneys for Defendant  
Kaiser Gypsum Company, Inc.

**DECLARATION OF SERVICE**

I, J.PATRICK MASON, hereby declare and state:

1. I am a United States citizen over the age of 18 years;

2. I am an Attorney of the law firm of Carlsmith Ball LLP.

3. On December 9, 2005, I caused to be served a filed copy of the ANSWER AND CROSS-CLAIM OF DEFENDANT KAISER GYPSUM COMPANY, INC. AGAINST GARLOCK, INC., VIACOM, INC., AND FOSTER WHEELER CORPORATION (Filed December 9, 2005) by hand delivery to the following:

Ignacio Aguigui, Esq.  
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Klemm Blair Sterling & Johnson, P.C.  
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259 Martyr Street  
Hagåtña, Guam 96910

Louie J. Yanza, Esq.  
Maher Yanza Flynn Timblin, LLP  
115 Hesler Place, Ground Floor  
Governor Joseph Flores Building  
Hagåtña, Guam 96910

4. On December 9, 2005, I will also cause a copy of said documents to be served on the following by depositing same with the United States mail in sealed envelopes, postage prepaid, addressed as follows:

Laurie K. Anger, Esq.  
John J. Petry, Esq.  
Bruce A. Wagman, Esq.  
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c/o CT Corporation System  
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32nd Floor  
San Francisco, California 94105

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c/o Corporation Trust Co.  
1209 Orange Street  
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Dow Chemical Company  
c/o Corporation Trust Co.  
1209 Orange Street  
Wilmington, DE 19801

Honeywell International, Inc.  
c/o Corporation Trust Co.  
1209 Orange Street  
Wilmington, DE 19801

A.P. Green Services, Inc.  
c/o Corporation Trust Co.  
1209 Orange Street  
Wilmington, DE 19801

Asbestos Claims Management Corporation  
c/o Corporation Trust Co.  
1209 Orange Street  
Wilmington, DE 19801

Dresser Industries, Inc.  
c/o CT Corporation System  
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GAF Corporation  
c/o Prentice-Hall Corporation Systems, Inc.  
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Wilmington, DE 19808

United States Gypsum Company  
c/o Corporation Trust Co.  
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Wilmington, DE 19801

Babcock & Wilcox Company  
c/o Corporation Trust Co.  
1209 Orange Street  
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Flexitallic, Inc.  
c/o CT Corporation System  
818 West Seventh Street  
Los Angeles, California 90017

Kaiser Gypsum Company, Inc.  
c/o CT Corporation System  
818 West Seventh Street  
Los Angeles, California 90017

Amchem Products, Inc.  
c/o Corporation Trust Co.  
1209 Orange Street  
Wilmington, DE 19801

Combustion Engineering, Inc.  
c/o Corporation Trust Co.  
1209 Orange Street  
Wilmington, DE 19801

Flintkote Company  
c/o Corporation Trust Co.  
1209 Orange Street  
Wilmington, DE 19801

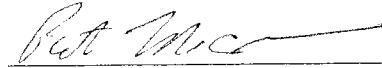
Harbison-Walker Refractories Co.  
c/o Corporation Trust Co.  
1209 Orange Street  
Wilmington, DE 19801

Owens Corning  
c/o Corporation Trust Co.  
1209 Orange Street  
Wilmington, DE 19801

Pittsburgh Corning Corporation  
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Pittsburgh, PA 15239

Quigley Company, Inc.  
c/o CT Corporation System  
111 Eighth Avenue  
New York, NY 10011

DATED: Hagåtña, Guam, December 9, 2005.

A handwritten signature in cursive script, appearing to read "Pat Mason", written over a horizontal line.

J.PATRICK MASON